

Action was mailed in this matter on June 24, 2009, indicating that the Reply did not place the application in condition for allowance for reasons given.

The Advisory Action of June 24, 2009, further requires the submission of a translation of French Patent Application No. 02/13427, the priority of which is claimed in connection with this U.S. Patent Application. In reply, a verified translation of FR 02/13427 is submitted herewith.

In further response to the Office Action of December 10, 2008, Applicant submits the enclosed "Request for Continued Examination (RCE) Transmittal" to request due consideration of the Reply filed on June 10, 2009, as supplemented by the present Reply, providing the "new arguments, or new evidence in support of patentability" required by 37 C.F.R. §1.114(c).

It has, in particular, been noted that the Advisory Action of June 24, 2009, states that "[a]rguments with respect to claims are not persuasive to overcome (sic) the rejections" even though Applicant has been required to submit a translation of FR 02/13427 "[w]ith respect to arguments regarding the objection of specification". It is respectfully submitted that resolution and withdrawal of the objection to the specification under 35 U.S.C. §132(a), for the alleged introduction of "new matter" into the disclosure, will require the consideration of limitations that, when present in the claims, patentably distinguish the cited patents of Rosenau, Weis and Little, demonstrating that the

rejections of claims based on Rosenau, Weis and Little are appropriately withdrawn. Reconsideration of the Reply filed on June 10, 2009, is therefore respectfully requested.

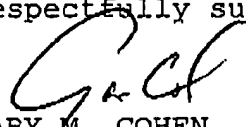
For reasons which are further discussed in the Reply filed on June 10, 2009, and having submitted all of the elements required by 37 C.F.R. §§1.97 and 1.98, Applicant also requests consideration of the remaining documents first cited in the Information Disclosure Statement which was filed in this matter on August 24, 2005, but which have not yet been given proper consideration or duly acknowledged.

A "Notice of Appeal" was timely filed with the Reply of June 10, 2009, as a formal response to the Office Action of December 10, 2008. As a result of this, a brief is currently scheduled for filing on August 10, 2009. It is respectfully requested that the submitted "Request for Continued Examination (RCE) Transmittal" serve as a request to withdraw the appeal and to reopen prosecution of the application before the Examiner, pursuant to 37 C.F.R. §1.114(d).

No extensions of time should be necessary for entry and consideration of the documents submitted herewith. In the event, however, that any extensions of time pursuant to 37 C.F.R. §1.136(a) are deemed to be necessary, Applicant hereby petitions for any required extension(s) of time and any fees required by 37 C.F.R. §1.17, or any overpayments, can be charged to Deposit Account No. 03-2405.

Corresponding action is earnestly solicited.

Respectfully submitted,


GARY M. COHEN, ESQ.
Reg. No. 28,834
Attorney for Applicant
Tel.: (610) 975-4430

I hereby certify that this correspondence is being
facsimile transmitted to the United States Patent
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Date:

8/4/09 
Gary M. Cohen, Esq.